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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVEY L. BATTLE,
Plaintiff,
v.
JO ANNE B. BARNHART,
Commissioner of Social Security,
Defendant.

} CIVIL NO. 03-03980 PJH
}
} STIPULATION AND ORDER
} APPROVING COMPROMISE
} SETTLEMENT OF ATTORNEY
} FEES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT

The plaintiff's attorney having met the criteria of L.R. 54-5, by meeting and conferring with defendant, IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to approval by the Court, that plaintiff's attorney receive the following payment:

1. Defendant shall pay ONE THOUSAND THREE HUNDRED TWO DOLLARS (\$1,302.00), pursuant to the Equal access to Justice Act (EAJA), for attorney fees incurred in this court action.¹ The check is to be payable to plaintiff's counsel:

JOHN C. WILLBRAND
2280 DIAMOND BLVD., SUITE 440
CONCORD, CA 94520
(925) 676-8800; FAX (925) 798-0637

2. This is a settlement of plaintiff's request for attorney fees pursuant to EAJA, and does not constitute an admission of liability or fault on the part of defendant under the Equal Access to Justice Act.

1/. This amount includes costs.

3. Payment of the ONE THOUSAND THREE HUNDRED TWO DOLLARS (\$1,302.00), EAJA fees incurred in this court action, will constitute a complete release from and bar to any and all claims, rights, causes of action, liens or subrogated interests relating to attorney fees pursuant to the EAJA as a result of this court action.

Dated: June 3, 2004

/s/
JOHN C. WILLBRAND
Attorney for Plaintiff

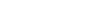
KEVIN V. RYAN
United States Attorney

Dated: June 7, 2004

By: /s/
SARA WINSLOW
Assistant United States Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 10/26/05


PHYLLIS J. HAMILTON
United States District Judge